



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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December 2 2009

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 13 DE Reg. 578 [DOE Proposed Health Education Program Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOEs) proposal to amend its health education program regulation by clarifying its application to charter schools (§1.1) and including some specific instructional topics (§§1.1.6 and 1.1.7). The regulation was published as 13 DE Reg. 578 in the November 1, 2009 issue of the Register of Regulations. This letter has also been formally endorsed by the Brain Injury Association of Delaware, Think First Delaware and AI DuPont Hospital, Division of Rehabilitation Medicine. Council has the following observations.

First, the Council may wish to specifically endorse inclusion of the reference to "interpersonal violence prevention program" in §1.1.7. Students with disabilities are disproportionately subject to bullying and victimization.

Second, in §§1.1.3.1 and 1.1.3.2, SCPD recommends the deletion of "and family life education" based on the following rationale: 1) the title of the regulation is "health education program"; 2) "family life" is included within the scope of "health education" in §1.1.3; and 3) the term "family life education" is omitted in §1.1.3.3.

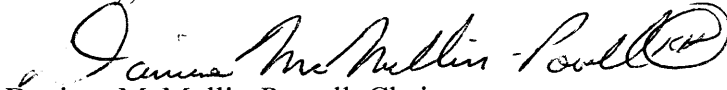
Third, while education in "injury prevention" is mentioned in §1.1.3, there is no specific regulation akin to §§1.1.4 - 1.1.7 focusing attention on injuries for which students would be at most risk. The SCPD Brain Injury Committee has been promoting education on sports-related concussion and traumatic brain injury (TBI) within schools. TBI has been described as the "silent epidemic" due to the common lack of appreciation for its prevalence and long-term consequences. Moreover, TBI would have more effect on school academic performance than some of the other listed topic areas (e.g. fire safety).

TBI is the most frequent injury in childhood and adolescents when compared to all other injuries (e.g. broken bones, cuts, burns, etc.). Therefore, it is a worthy topic for student education as it should be considered as a reason for academic and behavioral difficulties, and often the medical history of such injuries is "lost" as time goes by. In addition, many injuries (including TBI) occur out of adult view, so students should recognize the signs and symptoms in themselves and other students. In adolescence, sports are the second most common source of concussions, with motor vehicle accidents being the largest cause of such injuries. Recognition of concussion and TBI is quite important due to re-injury possibility in sports (e.g. second impact syndrome). It would therefore be preferable to include the following new §1.1.8 while renumbering existing sections:

1.1.8. Inclusion of research-based sports-injury identification and prevention, including concussion and traumatic brain injury.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendation on the proposed regulation.

Sincerely,

A handwritten signature in black ink, reading "Daniese McMullin-Powell". The signature is fluid and cursive, with a large, stylized "D" at the beginning and a circular flourish at the end.

Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Lillian Lowery
Dr. Teri Quinn Gray
Ms. Martha Toomey
Ms. Paula Fontello, Esq.
Ms. Mary Cooke, Esq.
Mr. John Hindman
Mr. Charlie Michels
Mr. Brian Hartman, Esq.
Brain Injury Association of Delaware
Think First Delaware
AI DuPont Hospital, Division of Rehabilitation Medicine
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens